

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Telecommunications Relay Services)	CC Docket No. 03-123
And Speech-to-Speech Services for)	
Individuals with Hearing and Speech)	
Disabilities)	
)	
Second Improved Services Order)	
)	
)	
)	

**EX PARTE COMMENTS ON NON-SHARED LANGUAGE
TRANSLATION SERVICES**

The Deaf Action Center (DAC), the local community service agency in Dallas responsible for the provision of human services to individuals who are deaf and hard of hearing, submits these comments to demonstrate DAC's support for the provision of non-shared language translation through all forms of telecommunications relay services (TRS), and most importantly video relay services (VRS).

DAC administers and provides programs that directly serve more than 1,600 individuals who are deaf and hard of hearing, including a large population of Hispanic individuals, in the Dallas and surrounding areas. DAC strives to support all of our clients by providing numerous services including nutritional services, housing services, legal services, advocacy, case management, and a variety of other programs funded through city, state and federal grant programs. Among other things, we also provide public video relay service stations so that our low-income clients who do not otherwise have access to camera-equipped personal computers may have communication access through our offices.

DAC would like to thank the FCC for its expansion of video relay services nationwide, as we were one of the initial public host sites involved in the early adoption of the technology when it was pioneered in Texas more than nine years ago. We also would like to commend the Commission for its invitation to comment on non-shared language services through TRS (including VRS) in its most recent notice of proposed rulemaking on relay services. In these comments, DAC urges the Commission to allow reimbursement for these non-shared language relay services.

DAC considers non-shared language relay translation to be a service that has demonstrated and proven demand. Non-shared language translation, and more specifically, Spanish-to-English TRS service has been supported and continues to be supported through state TRS reimbursement in Texas. Prior to the time when the Interstate TRS Fund took over funding

for VRS in Texas, Texas Video Interpreting Services (TVIS) funded VRS –both intra- and interstate for all Texans. Under this state program, our clients were able to have daily VRS telephone communication access through non-shared language translation VRS to speak with employers, educators, business associates, family and friends, regardless of where those parties were located. These critical communications allowed our American Sign Language (ASL) users seeking translation from ASL to spoken Spanish to have parity with their ASL peers who enjoyed translation services from ASL to spoken English.

DAC believes that the existence of video relay services in its current form, which allows for translation between ASL users to spoken English (a non-shared language) is no different from providing access for ASL users to spoken Spanish (also a non-shared language). We fail to see how a distinction can be made between the offering of these services when Spanish speaking individuals constitute the largest minority population in the United States. The size of this population group alone, which is soon to be the majority population in Texas, requires that this issue be taken under consideration and promptly addressed by the FCC.

The standard that already applies to providing access for ASL users to spoken English through TRS (including VRS) should also apply to providing access for ASL users to spoken Spanish. This is especially true for VRS calls. Because VRS calls do not take place in a text environment, virtually all communications that take place between ASL users and either English or Spanish speaking individuals require both translation and interpreting skills. The settings involved, and the needs of consumers on any given call is truly identical in terms of ensuring that all American citizens have equal access to telecommunications as set forth in Title IV of the Americans with Disabilities Act. DAC is concerned that an entire segment of the American population will be denied effective access to telecommunications if non-shared language translation through all forms of TRS continues to not be permitted.

DAC also believes that currently, there is much end user confusion regarding the provision of non-shared language services. As noted earlier, Texas continues to offer recovery for the costs of intrastate non-shared language TRS calls. Users of TRS and VRS within a particular state do not often understand the reasons why a local, intra-state, or state TRS funded call can be completed using non-shared translation services, while an interstate TRS funded call cannot. These users often express their frustration to the providers of the relay service as well as to our agency, as a common access point to these services. Because we do not believe that these users are readily equipped to supply their own comments or suggestions to the Commission, we are submitting these comments on their behalf. Additionally, many industry providers of VRS seem to have conflicting information about the extent to which they can make non-shared language translation available at the present time. DAC asks that the Commission clarify what is and what is not permitted for VRS providers with regard to non-shared language translation to address this end user confusion.

DAC believes that if the FCC denies non-shared language translation, the FCC's actions will infringe upon the rights of people who are deaf to telecommunications services. Relay services need to be all-inclusive and it is critical to take into consideration the significant needs of the growing Hispanic populations in America. DAC believes that not authorizing payment for this service is already causing great harm to these consumers.

Our community is not unique in needing to address the issues raised in these comments; consumers nationwide have the same types of non-shared language needs, as is evidenced by the

fact that many other states currently fund non-shared language translation services for their in-state TRS (and previously VRS) programs. Over the past decade, the Commission has done a great deal to enhance communication access for consumers who are deaf. We ask the FCC to now revise its rules to ensure that deaf consumers who are Hispanic similarly be able to reap the benefits of this communication access.

The Deaf Action Center appreciates this opportunity to share what we believe is a national issue raised by many state TRS administrators, consumer organizations and industry providers. We join numerous organizations across the country in urging the Commission to permit VRS providers to recover costs for non-shared language translation services between ASL users and individuals who speak Spanish, so that these providers are once again able to offer this service. We make this request because we believe that the FCC's decision on this issue will have a significant impact on our clients' lives, their daily independence, and their ability to contribute back to the society in which they live.

Respectfully submitted,

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